Supreme Court, U.S.
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No. 90-1972

In the Supreme Court of the United States

OCTOBER TERM, 1991

UNITED STATES OF AMERICA, PETITIONER

v.

JOHN H. WILLIAMS, JR.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

JOINT APPENDIX

JAMES C. LANG
2300 Williams Center Tower II
2 West Second Street
Tulsa, Oklahoma 74103
(918) 583-3145
Counsel for Respondent

KENNETH W. STARR
Solicitor General
Department of Justice
Washington, D.C. 20530
(202) 514-2217
Counsel for Petitioner

PETITION FOR A WRIT OF CERTIORARI FILED JUNE 24, 1991
CERTIORARI GRANTED OCTOBER 15, 1991

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JOINT APPENDIX

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The following opinions and orders have been omitted in printing this joint appendix because they appear on the following pages in the appendix to the petition for a writ of certiorari:

Opinion of the district court filed October 14, 1988 ..... 16a-18a
Order of the district court filed November 7, 1988 ..... 19a-26a
Opinion of the court of appeals filed March 20, 1990 ..... 1a-15a
Order of the court of appeals filed April 22, 1991 ..... 27a-28a

UNITED STATES DISTRICT COURT DOCKET

UNITED STATES OF AMERICA, PLAINTIFF

v.

JOHN H. WILLIAMS, JR., DEFENDANT

No. 88-00052-E

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

US Title Section	Offenses Charged	Original Counts
18:USC 1014	FALSE statements to Bank	1-7

1988	Doc. No.	Proceedings
5-4	1	Indictment. S/I t (I/A Mag Wolfe 5-12-88 @ 10:30)
7-1	17	Motion & brief of deft for access to & inspection & copying of certain GJ records & information.
7-15	23	Response of govt to deft's mot/access to GJ records. t
9-6	40	Motion of pltf to disclose GJ transcripts to deft. t
9-7	41	Response of deft to mot/disclose GJ transcripts to deft. t
9-13	Min.	PT, mot. hrg. Govt. to submit certain docs. to Court for review to determine

1988	Doc. No.	Proceedings
		if they sh/b given to deft. All discov. mots are moot, having been worked out & are being worked out. Govt. will deliver exculpatory material to deft by 9-16-88. Court denies deft oral mot/ cont JT from 10-17-88 to Nov. dkt. Court signs O/ ext. time for tr bfs etc & O/disclos. GJ transcripts to deft. Def advises Court they don't consent to edited version of GJ trans. (JOE-J) b G. Dorrough-Ct.Rptr
9-13	42	Order, disclos. GJ transcripts to deft. (JOE-J)b c/del
10-3	46	Motion of deft to dismiss indictment. t
10-3	47	Memorandum brief in support of #46 (loose in file). t
10-6	51	Response of Govt. to deft's mo/to dismiss. ag
10-12	59	Reply brief in support of mot/dismiss. b (Loose in file)
10-14	75	Order that deft's mot/dism indictment is denied; that the unedited transcripts of GJ testimony do not contain substantial exculpatory evidence such that disclosure of the entire transcripts must be made; that deft's counsel having made satisfactory resp to the Govt's mot/inquire of deft's counsel w/regard to his possible conflict of interest, no further inquiry will be made by this court. (JOE-J) ptys/phoned, c/m t

1988	Doc. No.	Proceedings
10-18	Min.	Evid. HRG. Court hears all motions & writs testify. Court overrules pltf mot/ limine re: Keating & Wolin. Court grants deft's mot. reconsider O denying mot/dismiss & Dismisses case w/out prejudice. Court has no obj sh/Govt. decide to appeal ruling. Jury discharged. All other motions moot. (JOE-J) b
11-7	85	Order that indictment against deft. be dismissed w/o prejudice. Entered EOD 11/10/88. (JOE-J) cb c/m
11-15	86	Notice of pltf to appeal from order of 10/18/88 no dktng stmnt, no fees, processed & mld.a

UNITED STATES COURT OF APPEALS DOCKET

UNITED STATES OF AMERICA, PLAINTIFF

v.

JOHN H. WILLIAMS, JR., DEFENDANT

No. 88-2827

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

11/25/88	1	[310420] Criminal case docketed. Preliminary record filed. Transcript order form due 12/2/88 for Glenn Dorrough pursuant t R. 42.1 (1b) [88-2843]
11/25/88	4	Cross-appeal schedule set. (1b) [88-2827 88-2843]
1/3/89	10	[319855] First brief on cross-appeal filed by USA in 88-2827, USA in 88-2843.
3/20/89	40	[336935] Second brief on cross-appeal filed by John H. Williams in 88-2827, John H. Williams in 88-2843.
4/5/89	48	[341257] Third brief on cross-appeal filed by USA in 88-2827, USA in 88-2843.

9/27/89	55	[381191] Case argued and submitted to Judges McKay, Seymour, Moore. (dvc) [88-2827, 88-2843]
3/20/90	56	[415533] Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. McKay, authoring judge; Seymour, Judge; Moore, Judge. [88-2827, 88-2843] (oac)
3/30/90	59	[418409] Correspondence filed by district court stating Grand Jury transcripts were not included in the record. [88-2843]
4/11/90	64	[426055] Supplemental record filed; I-IV Volume(s)—Copy filed in Volume(s): y. (1b) [88-2827, 88-2843]
5/9/90	65	[426932] Petition for rehearing [88-2843] filed by USA in 88-2843.
5/11/90	68	[427608] Petition for rehearing en banc [88-2843] filed by John H. Williams in 88-2843.
4/22/91	79	[503630] Order filed by Judge(s) Holloway, McKay, Logan, Seymour, Moore, Anderson, Tacha, Baldock, Brorby, Ebel. The court has considered appellant/cross-appellee's petition for rehearing and suggestion for rehearing en banc, together with the briefs, memoranda, and the supplemental sealed record on appeal. Appellant/cross-appellee's petition for rehearing is denied by the panel to whom it was submitted. Appellee/cross-appellant's petition for rehearing is denied by the panel to

whom it was submitted. In accordance with Rule 35(b) of the Federal Rules of Appellate Procedure, the petition for rehearing and suggestion for rehearing en banc were transmitted to all the judges of the court in regular active service. No member of the panel and no judge in regular active service on the court having requested that the court be polled on rehearing en banc, Rule 35, Federal Rules of Appellate Procedure the suggestion for rehearing en banc is denied. Appellee/cross-appellant's motion for access to the sealed portions of the record, Supplemental Volume I, is denied in 88-2843, 88-2827.

4/30/91	80	[505472] Mandate issued.
7/8/91	82	[527413] Petition for writ of certiorari filed on June 24, 1991 by Appellant USA in 88-2827, Appellee USA in 88-2843.

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

No. 88-CR-52-E

UNITED STATES OF AMERICA, PLAINTIFF

v.

JOHN H. WILLIAMS, JR., DEFENDANT

INDICTMENT
[18 U.S.C. § 1014: False Statements to Bank]

THE GRAND JURY CHARGES:

COUNT 1
[18 U.S.C. § 1014]

On or before September 4, 1984, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets as part of the loan request submitted by JOHN H. WILLIAMS, JR., on said date to the Village South National Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan, in that JOHN H. WILLIAMS, JR., stated and represented in said request that the notes receivable portion of his current assets was worth $6,050,062, whereas in truth and in fact, as JOHN

H. WILLIAMS, JR., then and there well knew, that said amount was materially false, and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

COUNT 2
[18 U.S.C. § 1014]

On or before September 4, 1985, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue his income, collateral, and notes receivable portion of his current assets, as part of his request for a loan renewal submitted by JOHN H. WILLIAMS, JR., on said date to the Village South National Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan renewal, in that JOHN H. WILLIAMS, JR., stated and represented that his statement of income and expenses for the year ending December 31, 1984, was true and accurate, that he would furnish financial information on a business he controlled, known as Plateau Electronics, that he had current notes receivable worth $6,955,000, and that Plateau Electronics, a company he owned control of, had royalties and patents worth between $4,000,000 and $7,000,000, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well know, that all of the aforementioned statements and representations were materially false and that he had substantially overvalued the worth of assets, all in violation of Title 18, United States Code, Section 1014.

COUNT 3
[18 U.S.C. § 1014]

On or before November 30, 1984, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets and interest income as part of the loan request submitted by JOHN H. WILLIAMS, JR., on said date to the Tulsa National Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan, in that JOHN H. WILLIAMS, JR., stated and represented that the notes receivable portion of his current assets was worth $6,050,062, and his projected interest income for the year ending December 31, 1984, was truly in the amount of $700,000, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well knew, that both of the aforementioned amounts were materially false and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

COUNT 4
[18 U.S.C. § 1014]

On or before December 19, 1984, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets and interest income as part of the loan request submitted by JOHN H. WILLIAMS, JR., on said date to the Tulsa National Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan, in that JOHN H.

WILLIAMS, JR., stated and represented in said request that his notes receivable portion of his current assets was worth $6,050,062, and his projected interest income for the year ending December 31, 1984, was truly in the amount of $700,000, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well knew, that both of the aforementioned amounts were materially false and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

COUNT 5
[18 U.S.C. § 1014]

On or before June 26, 1985, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets and income as part of the loan request submitted by JOHN H. WILLIAMS, JR., on said date to the Town and Country Bank, Bixby, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan, in that JOHN H. WILLIAMS, JR., stated and represented that his notes receivable portion of his current assets was worth $7,001,462, and that his income for the year ending 1984 included interest in the sum of $199,176, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well knew, that both of the aforementioned amounts were materially false and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

COUNT 6
[18 U.S.C. § 1014]

On or before August 5, 1985, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets and income as part of the loan request submitted by JOHN H. WILLIAMS, JR., on said date to the Valley National

Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan, in that JOHN H. WILLIAMS, JR., stated and represented in said request that for the year ending 1983 his interest income was $471,682, that for the year ending 1984 his interest income was $199,176, and that his notes receivable portion of his current assets was worth $6,954,852, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well knew, that all of the aforementioned amounts were materially false and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

COUNT 7
[18 U.S.C. § 1014]

On or before November 5, 1985, in the Northern District of Oklahoma, JOHN H. WILLIAMS, JR., knowingly did make a materially false statement and did willfully overvalue the notes receivable portion of his current assets and income as part of his request for a loan renewal submitted by JOHN H. WILLIAMS, JR., on said date to the Valley National Bank, Tulsa, Oklahoma, a bank, the deposits of which were then insured by the Federal Deposit Insurance Corporation, for the purpose of influencing the action of said bank to approve said loan renewal, in that JOHN H. WILLIAMS, JR., stated and represented in said request that for the year ending 1983 his interest income was $471,682, that for the year ending 1984 his interest income was $199,176, and that his notes receivable portion of his current assets was worth $6,954,852, whereas in truth and in fact, as JOHN H. WILLIAMS, JR., then and there well knew, that all of the aforementioned amounts were materially false and substantially overvalued, all in violation of Title 18, United States Code, Section 1014.

A TRUE BILL.

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Market Value Balance Sheet
June 30, 1984

ASSETS

CURRENT ASSETS:	
Cash (Note 1)	$ 86,466
Marketable securities (Note 2)*	1,590,850
Other securities (Note 3)*	1,290,272
Notes receivable (Note 4)	6,050,062
Accounts receivable (Note 5)	922
Total current assets	9,018,572
INVESTMENTS:	
Equities in partnerships, joint ventures and oil properties (Note 6)*	2,182,827
Real estate (Note 7)*	594,500
	2,777,327
OTHER ASSETS:	
Residence and personal property (Note 8)	1,708,975
Deposits	222
Memberships	11,463
Cash surrender value of life insurance	26,867
Office furniture and fixtures	12,259
	1,759,786
	$13,555,685

LIABILITIES AND NET WORTH

CURRENT LIABILITIES:	
Notes payable (Note 9)	$ 4,137,629
Accounts payable	5,000
Current portion of long-term debt (Note 10)	130,775
Total current liabilities	4,273,404
LONG-TERM DEBT (Note 10)	620,199
NET WORTH	8,662,082
	$13,555,685

* Marketable securities and certain investments have been adjusted to reflect fair market value on March 31, 1984. All other assets are reflected at cost or other tax basis.

/s/ JOHN H. WILLIAMS, JR.

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

1. CASH

Bank of Oklahoma – checking	$ 42,968
Bank of Commerce – checking	4,662
Commercial Bank & Trust Co. – checking	3,770
First National Bank & Trust Co. – checking	7,279
MidAmerica Fund – checking	10,178
Sunbelt Bank and Trust – checking	2,510
Union National Bank – checking	703
United Bank – checking	4,036
Utica National Bank & Trust Co. – checking	644
Western National Bank – checking	1,570
Woodland Bank – checking	869
Bank of Oklahoma – savings	5,993
Utica National Bank & Trust – savings	1,284
	$ 86,466

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES INVESTMENT STOCKS AND BONDS:			
Convertible Yield Securities, Inc.	1,413.175	$17,601	$16,220
Cooper Laboratories	1,035	927	24,840
CooperVision, Inc.	2,000	2,200	46,000
Napco Industries, Inc. Preferred	106	3,710	1,110
The Williams Companies	9,290	10,516	243,860
		34,954	332,030
BEAR STEARNS & CO.:			
American Physicians Service Group, Inc.	1,000	6,750	7,000
Quest Medical, Inc.	1,000	9,075	4,000
		15,825	11,000
A. G. EDWARDS & SONS, INC.:			
Stocks			
Sunrise Medical, Inc.	1,000	13,212	10,500
Telex Corporation	500	11,828	13,370
The Williams Companies	3,000	86,093	78,750
		111,133	102,620
Options			
Call/Major Mkt. 110 Sept.	3	1,395	1,270
Call/TC 25 September	5	(825)	(1,680)
Call/WMB 30 November	30	(6,175)	(2,250)
		(5,605)	(2,660)
Credit balance		(54,171)	(54,170)
		51,357	45,790
GOLDMAN, SACHS & CO.:			
Debit balance		516,022	516,020

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
MERRILL LYNCH:			
Stocks			
The Williams Companies	15,000	$ 17,425	$393,750
Options			
Call/WMB 30 August	100	(13,138)	(2,500)
Credit balance		(227,347)	(227,340)
		(223,060)	163,900
ROTAN MOSLE, INC.:			
Stocks			
Pioneer Corp. Texas	1,000	28,068	27,120
Texas Air Corp.	1,000	10,304	7,500
The Williams Companies	25,300	467,400	664,120
		505,772	698,750
Options			
Call/WMB 30 August	88	(12,536)	(2,200)
Call/WMB 30 November	40	(5,705)	(3,000)
		(18,241)	(5,200)
Credit balance		(423,242)	(423,242)
		64,289	270,300
L. F. ROTHSCHILD, UNTERBERG, TOWBIN:			
Debit balance		11	11

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
SOUTHWEST SECURITIES:			
Stocks			
BancOklahoma Corp. ...	800	$ 8,750	$17,200
Comcoa, Inc. Units 2 Com & 1 Wt.	1,000	5,000	1,750
EDP Systems, Inc.	5,000	10,000	6,875
MCI Communications Corp.	500	7,570	3,750
National Royalty Corp. ..	10,000	20,000	5,000
Ozark Air Lines, Inc.	500	7,641	3,938
Spectra-Physics, Inc.	100	1,475	2,350
Tectel, Inc. Units 2 Com & 1 Wt.	1,000	5,000	875
Trinity Industries, Inc. ...	500	8,895	9,000
The Williams Companies .	23,500	83,863	616,875
The Williams Companies .	1,900	(41,841)	(49,875)
		116,353	617,738
Options			
Call/WMB 30 August ...	105	(13,815)	(2,625)
Call/WMB 30 November	10	(1,789)	(750)
		(15,604)	(3,375)
Credit balance		(362,587)	(362,587)
		(261,838)	251,776
		$197,560	$1,590,850

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

	Shares, Units or Par Value	Cost	Market Value
3. OTHER SECURITIES			
INVESTMENT STOCKS AND BONDS:			
American Magnetics, Inc.	4,550,000	$ 117,000	$ 10,000
American Magnetics, Inc. Preferred	392,000	392,000	392,000
Bed Check Corp.	5	–	100
Buffalo Pictures of America, Inc.	902.527	–	–
Earth Salt Comp.	5	500	–
Endex, Inc.	59,698	298,490	10,000
Endex, Inc. cv. 10%-1987	200,000	200,000	200,000
The Fairson Comp.	600	39,811	1,000
The Horter Comp.	1,500	1,500	1,500
Oil Originals, Inc.	23,000	1,000	1,000
Optronics, Inc.	12,043	198,729	391,300
Optronics, Inc. cv. 10.5%-1984	26,000	26,000	26,000
Optronics, Inc. cv. 10.5%-1985	35,000	35,000	35,000
Optronics, Inc. cv. 14%-1985	70,000	70,000	70,000
Optronics, Inc. Preferred	114	114,000	114,000
Plateau Electronics	32	20,000	20,000
Riverside Telephone Company	10,000	10,000	10,000
Skyfield Productions-Class A	100	5,000	5,000
Skyfield Productions-Class B	230	2,674	2,600
Wabash Valley Fair Association, Inc. 2nd Mortgage Bond, 7.50% – 3-1-80	1,000	1,000	600
		$1,532,704	$1,290,200

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

4. NOTES RECEIVABLE

Ann Bein	$ 11,550
Bridges for Peace	4,959
Earth Salt Company	1,500
Endex, Inc.	972,258
The Fairson Company	85,500
Fletcher Gregory	200
Metro Christian Academy	2,849
Oil Capitol, Ltd.	232,456
Oil Originals, Inc.	109,500
Duncan M. Payne	4,270
Plateau Electronics	1,822,500
Skyfield Productions, Inc.	2,760,520
Venice Property	17,000
Henry Weinstein	25,000
	$6,050,062

5. ACCOUNTS RECEIVABLE

The HIM Company	$ 350
Optronics, Inc.	572
	$ 922

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

6. EQUITIES IN PARTNERSHIPS, JOINT VENTURES AND OIL PROPERTIES

	Cost	Market Value
The Chesnut Company	$ (829,976)	$ (345,292)
Elwood Investments Company	70,531	225,782
H & A Partners, Ltd.	(9,900)	1,000
The HIM Company	(152,948)	236,337
The Kensington Company, Ltd.	(235,342)	1,400,000
The Lyndon Company	54,000	54,000
Renovation Associates, Ltd.	7,906	200,000
Venice Property Investment	191,000	300,000
WILMAC Company	286,224	75,000
Oil Properties (leasehold costs & tangible equipment)	7,125	36,000
	$ (611,380)	$2,182,827

7. REAL ESTATE

Linville, N.C. – 1.1 acres	$ 16,348	$ 105,000
Lake Property – Oakwood Point	433,173	450,000
Terre Haute, Indiana – 20.20 acres	39,500	39,500
	$ 489,021	$ 594,500

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

8. RESIDENCE AND PERSONAL PROPERTY (AT COST)

Personal residence	$1,460,691
Escrow deposit – MidAmerica Federal Savings & Loan	6,647
Automobiles	36,061
Household furniture	88,731
Antiques	47,769
Jewelry, fur and fine arts	69,076
	$1,708,975

9. NOTES PAYABLE

Bank of Commerce	$ 650,000
Citicorp (USA), Inc.	1,600,000
First National Bank & Trust Co.	900,000
PBR, Ltd.	102,000
Sunbelt Bank & Trust	1
Union National Bank	150,000
United Bank	450,000
Florence Woodcock	5,628
Western National Bank	280,000
	$4,137,629

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
June 30, 1984

10. LONG-TERM DEBT

	Current Portion	Noncurrent Portion	Total
John H. Williams	$ 62,150	$ –	$ 62,150
MidAmerica Federal Savings & Loan	2,625	554,199	556,824
C.H. March, Jr.	66,000	66,000	132,000
	$130,775	$620,199	$750,974

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Market Value Balance Sheet
September 30, 1984

ASSETS

CURRENT ASSETS:	
Cash (Note 1)	$ 129,897
Marketable securities (Note 2)*	1,280,537
Other securities (Note 3)*	1,416,272
Notes receivable (Note 4)	7,001,462
Accounts receivable (Note 5)	1,079
Total current assets	9,018,572
INVESTMENTS:	
Equities in partnerships, joint ventures and oil properties (Note 6)*	2,251,000
Real estate (Note 7)*	635,000
	2,886,000
OTHER ASSETS:	
Residence and personal property (Note 8)	1,718,859
Deposits	222
Memberships	11,463
Cash surrender value of life insurance	26,867
Office furniture and fixtures	12,259
	1,769,670
	$14,484,917

LIABILITIES AND NET WORTH

CURRENT LIABILITIES:	
Notes payable (Note 9)	$ 4,644,628
Accounts payable	5,000
Current portion of long-term debt (Note 10)	130,853
Total current liabilities	4,780,481
LONG-TERM DEBT (Note 10)	619,493
NET WORTH	9,084,943
	$14,484,917

* Marketable securities and certain investments have been adjusted to reflect fair market value on September 30, 1984. All other assets are reflected at cost or other tax basis.

/s/ JOHN H. WILLIAMS, JR.

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

1. CASH

Bank of Oklahoma – checking	$ 9,857
Bank of Commerce – checking	22,144
Commercial Bank & Trust Co. – checking	3,068
First National Bank & Trust Co. – checking	13,567
MidAmerica Fund – checking	2,910
Sunbelt Bank and Trust – checking	47,461
Union National Bank – checking	674
United Bank – checking	7,649
Utica National Bank & Trust Co. – checking	644
Village South National Bank	10,271
Western National Bank – checking	3,505
Woodland Bank – checking	869
Bank of Oklahoma – savings	5,994
Utica National Bank & Trust – savings	1,284
	$ 129,897

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES INVESTMENT STOCKS AND BONDS:			
Convertible Yield Securities, Inc.	1,423.279	$17,715	$16,280
Cooper Laboratories	1,035	927	19,010
CooperVision, Inc.	2,000	2,200	38,750
Mass Merchandisers, Inc.	106	3,710	1,200
The Williams Companies	9,290	10,516	281,020
		35,068	356,270
BEAR STEARNS & CO.:			
American Physicians Service Group, Inc.	1,000	6,750	7,000
Quest Medical, Inc.	1,000	9,075	4,500
		15,825	11,500
A. G. EDWARDS & SONS, INC.:			
Debit balance		897	897
GOLDMAN, SACHS & CO.:			
Debit balance		908	908
E. F. HUTTON & CO., INC.:			
Stocks			
Sunrise Medical, Inc.	1,000	13,212	8,000
The Williams Companies	3,000	86,093	90,750
		99,305	98,750
Options			
Put/ASA Limited Pr50 Nov.	6	1,741	600
Put/ASA Limited Pr45 Nov.	5	580	100
Call/Comp Tech Pr100 Dec.	4	1,656	1,400
Call/WMB 30 November	30	(6,175)	(4,500)
		(2,198)	(2,200)
Credit balance		(42,353)	(42,300)
		54,754	54,100

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
MERRILL LYNCH:			
Stocks			
The Williams Companies	15,000	$ 17,425	$453,750
Options			
Call/WMB 30 November	70	(6,215)	(10,500)
Call/WMB 30 February	50	(6,847)	(13,430)
Credit balance		(227,347)	(227,340)
		(13,062)	(23,930)
		(217,356)	(217,350)
		(212,993)	(212,450)
ROTAN MOSLE, INC.:			
Stocks			
Texas Air Corp.	1,000	10,304	7,120
The Williams Companies	25,300	467,400	765,320
		477,704	772,450
Options			
Call/WMB 30 November	140	(12,514)	(21,000)
Call/WMB 30 February	120	(14,227)	(32,250)
Call/WMB 30 May	20	(3,843)	(8,000)
		(30,584)	(61,250)
Credit balance		(379,892)	(379,890)
		67,228	331,300
L. F. ROTHSCHILD, UNTERBERG, TOWBIN:			
Debit balance		11	11

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
SOUTHWEST SECURITIES:			
Stocks			
BancOklahoma Corp. ...	800	$ 8,750	$17,200
Comcoa, Inc. Units 2 Com & 1 Wt.	1,000	5,000	2,120
EDP Systems, Inc.	5,000	10,000	8,120
MCI Communications Corp.	500	7,569	3,750
National Royalty Corp. ..	10,000	20,000	2,500
Spectra-Physics, Inc.	100	1,475	2,460
Tectel, Inc. Units 2 Com & 1 Wt.	1,000	5,000	1,500
The Williams Companies .	23,500	83,863	710,875
The Williams Companies .	1,000	(22,577)	(30,250)
		119,080	718,280
Options			
Call/WMB 30 November	85	(8,406)	(12,750)
Call/WMB 30 February ..	120	(16,357)	(32,250)
Call/WMB 30 May	20	(3,829)	(8,000)
		(28,592)	(53,000)
Credit balance		(352,233)	(352,233)
		(261,745)	313,050
		$(300,047)	$1,280,530

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

	Shares, Units or Par Value	Cost	Market Value
3. OTHER SECURITIES			
INVESTMENT STOCKS AND BONDS:			
American Magnetics, Inc.	4,550,000	$ 117,000	$ 10,000
American Magnetics, Inc. Preferred	392,000	392,000	392,000
Bed Check Corp.	5	–	100
Buffalo Pictures of America, Inc.	902.527	–	–
Earth Salt Comp.	5	500	–
Endex, Inc.	59,698	298,490	10,000
Endex, Inc. cu. 10%-1987	200,000	200,000	200,000
The Fairson Comp.	600	39,811	1,000
Harbour Group, Inc.	600	38,811	1,000
The Horter Comp.	1,500	1,500	1,500
Oil Originals, Inc.	23,000	1,000	1,000
Optronics, Inc.	12,043	198,729	391,398
Optronics, Inc. cv. 10.5%-1984	26,000	26,000	26,000
Optronics, Inc. cv. 10.5%-1985	35,000	35,000	35,000
Optronics, Inc. cv. 14%-1985	70,000	70,000	70,000
Optronics, Inc. Preferred	114	114,000	114,000
Plateau Electronics	32	20,000	1,000
Riverside Telephone Company	10,000	10,000	10,000
Skyfield Productions-Class A	100	5,000	5,000
Skyfield Productions-Class B	230	2,674	2,674
Wabash Valley Fair Association, Inc. 2nd Mortgage Bond, 7.50% – 3-1-80	1,000	1,000	600
		$1,532,879	$1,416,272

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

4. NOTES RECEIVABLE

American Magnetics	$ 150,000
Ann Bein	$ 11,550
Bridges for Peace	4,959
Earth Salt Company	1,500
Endex, Inc.	1,207,258
The Fairson Company	105,500
Metro Christian Academy	2,849
Oil Capitol, Ltd.	225,456
Oil Originals, Inc.	165,100
Duncan M. Payne	4,270
Plateau Electronics	2,057,500
Riverside Telephone Company	20,000
Skyfield Productions, Inc.	3,003,520
Venice Property	17,000
Henry Weinstein	25,000
	$7,001,462

5. ACCOUNTS RECEIVABLE

The HIM Company	$ 350
Optronics, Inc.	572
U.S. Operating, Inc.	157
	$ 1,079

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

6. EQUITIES IN PARTNERSHIPS, JOINT VENTURES AND OIL PROPERTIES

	Cost	Market Value
The Chesnut Company	$ (579,976)	$ 100,000
Elwood Investments Company	(168,469)	35,000
H & A Partners, Ltd.	(9,900)	30,000
The HIM Company	(152,948)	280,000
The Kensington Company, Ltd.	(235,342)	1,400,000
The Lyndon Company	54,000	54,000
Renovation Associates, Ltd.	7,906	200,000
Venice Property Investment	11,000	60,000
WILMAC Company	286,224	20,000
Oil Properties (leasehold costs & tangible equipment)	6,196	72,000
	$ (781,309)	$2,251,000

7. REAL ESTATE

Linville, N.C. – 1.1 acres	$ 16,348	$ 105,000
Lake Property – Oakwood Point	433,173	480,000
Terre Haute, Indiana – 20.20 acres	39,500	50,000
	$ 489,021	$ 635,000

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

8. RESIDENCE AND PERSONAL PROPERTY (AT COST)

Personal residence	$1,468,372
Escrow deposit – MidAmerica Federal Savings & Loan	8,850
Automobiles	36,061
Household furniture	88,731
Antiques	47,769
Jewelry, fur and fine arts	69,076
	$1,718,859

9. NOTES PAYABLE

Bank of Commerce	$ 650,000
Citicorp (USA), Inc.	1,600,000
First National Bank & Trust Co.	820,000
PBR, Ltd.	109,000
Sunbelt Bank & Trust	300,000
Union National Bank	150,000
United Bank	530,000
Village South National Bank	200,000
Florence Woodcock	5,628
Western National Bank	280,000
	$4,644,628

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of September 30, 1984

10. LONG-TERM DEBT

	Current Portion	Noncurrent Portion	Total
John H. Williams	$ 62,150	$ –	$ 62,150
MidAmerica Federal Savings & Loan	2,703	553,493	556,196
C.H. March, Jr.	66,000	66,000	132,000
	$130,853	$619,493	$750,346

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Market Value Balance Sheet
December 31, 1984

ASSETS

CURRENT ASSETS:	
Cash (Note 1)	$ 126,212
Marketable securities (Note 2)*	1,134,092
Other securities (Note 3)*	1,558,704
Notes receivable (Note 4)	6,954,852
Accounts receivable (Note 5)	922
Total current assets	9,772,782
INVESTMENTS:	
Equities in partnerships, joint ventures and oil properties (Note 6)*	1,484,502
Real estate (Note 7)*	715,000
	2,199,502
OTHER ASSETS:	
Residence and personal property (Note 8)	1,715,683
Deposits	222
Memberships	11,463
Cash surrender value of life insurance	26,867
Office furniture and fixtures	10,420
	1,764,655
	$13,736,939

LIABILITIES AND NET WORTH

CURRENT LIABILITIES:	
Notes payable (Note 9)	$ 4,749,931
Accounts payable	5,000
Current portion of long-term debt (Note 10)	130,934
Total current liabilities	4,885,865
LONG-TERM DEBT (Note 10)	892,957
NET WORTH	7,958,117
	$13,736,939

* Marketable securities and certain investments have been adjusted to reflect fair market value on December 31, 1984. All other assets are reflected at cost or other tax basis.

/s/ JOHN H. WILLIAMS, JR.

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

1. CASH

Bank of Oklahoma – checking	$ 51,665
Bank of Commerce – checking	5,053
Commercial Bank & Trust Co. – checking	1,528
First National Bank & Trust Co. – checking	37,384
MidAmerica Fund – checking	3,630
Sunbelt Bank and Trust – checking	4,561
Union National Bank – checking	674
United Bank – checking	2,610
Utica National Bank & Trust Co. – checking	5,645
Village South National Bank – checking	1,134
Western National Bank – checking	1,838
Woodland Bank – checking	846
Bank of Oklahoma – savings	6,165
Utica National Bank & Trust – savings	1,318
Deposits in transit	161
	$ 124,212

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES INVESTMENT STOCKS AND BONDS:			
Convertible Yield Securities, Inc.	1,443.554	$17,943	$16,283
Cooper Laboratories	1,035	927	13,714
CooperVision, Inc.	2,000	2,200	33,000
Mass Merchandisers, Inc.	106	3,710	1,179
The Williams Companies	7,290	8,193	216,878
		32,973	281,054
BEAR STEARNS & CO.:			
American Physicians Service Group, Inc.	1,000	6,750	6,000
Quest Medical, Inc.	1,000	9,075	3,125
		15,825	9,125
GOLDMAN, SACHS & CO.:			
Debit balance		928	928
E. F. HUTTON & CO., INC.:			
Stocks			
Sunrise Medical, Inc.	1,000	13,212	6,500
The Williams Companies	3,000	86,093	89,250
		99,306	95,750
Options			
Call/WMB 35 May	30	(3,184)	(1,125)
Credit balance		(43,785)	(43,785)
		52,337	50,840

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
MERRILL LYNCH:			
Stocks			
The Williams Companies	15,000	$ 17,425	$446,250
Options			
Call/WMB 30 February	120	(18,733)	(13,500)
Call/WMB 35 May	10	(571)	(375)
		(19,304)	(13,875)
Credit balance		(227,455)	(227,455)
		(229,334)	204,920
ROTAN MOSLE, INC.:			
Stocks			
Texas Air Corp.	1,000	10,304	9,125
The Williams Companies	25,300	467,400	752,675
		477,704	761,800
Options			
Call/WMB 30 February	190	(27,995)	(21,375)
Call/WMB 30 May	42	(9,115)	(7,350)
Call/WMB 35 May	38	(2,365)	(1,425)
		(39,475)	(30,150)
Credit balance		(422,064)	(422,064)
		16,165	309,580

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

	Shares, Units or Par Value	Cost	Market Value
2. MARKETABLE SECURITIES (Cont.)			
SOUTHWEST SECURITIES:			
Stocks			
BancOklahoma Corp. ...	800	$ 8,750	$14,300
Comcoa, Inc. Units 2 Com & 1 Wt.	1,000	5,000	2,500
EDP Systems, Inc.	5,000	10,000	8,125
MCI Communications Corp.	500	7,569	3,750
Spectra-Physics, Inc.	100	1,475	2,225
Tectel, Inc. Units 2 Com & 1 Wt.	1,000	5,000	1,250
The Williams Companies .	23,500	83,863	699,125
The Williams Companies .	(1,900)	(22,577)	(29,750)
		99,080	701,525
Options			
Call/WMB 30 February ..	180	(22,448)	(20,250)
Call/WMB 30 May	20	(3,829)	(3,500)
Call/WMB 35 May	10	(398)	(375)
		(26,675)	(24,125)
Credit balance		(399,761)	(399,763)
		(327,356)	277,639
		$(438,462)	$1,134,090

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

	Shares, Units or Par Value	Cost	Market Value
3. OTHER SECURITIES			
INVESTMENT STOCKS AND BONDS:			
American Magnetics, Inc.	4,550,000	$ 117,000	$ 117,000
American Magnetics, Inc. Preferred	392,000	392,000	392,000
Bed Check Corp.	5	—	—
Buffalo Pictures of America, Inc.	902.527	—	—
Earth Salt Comp.	5	500	—
Endex, Inc.	59,698	298,490	10,000
Endex, Inc. cu. 10%-1987	200,000	200,000	200,000
The Fairson Comp.	600	39,811	100
Harbour Group, Inc.	175	175	145,000
The Horter Comp.	1,500	1,500	1,500
Oil Originals, Inc.	23,000	1,000	1,000
Optronics, Inc. cv. 10.5%-1985	35,000	35,000	35,000
Optronics, Inc. cv. 14%-1985	70,000	70,000	70,000
Optronics, Inc. cv. 13% – 1990	391,333	391,333	391,333
Optronics, Inc. cv. 20% – 1989	114,000	114,000	114,000
Petromark Resources Company	87.5	28,765	62,400
Plateau Electronics	32	20,000	1,000
Riverside Telephone Company	500	10,000	10,000
Skyfield Productions-Class A	100	5,000	5,000
Skyfield Productions-Class B	230	2,674	2,600
Wabash Valley Fair Association, Inc. 2nd Mortgage Bond, 7.50% – 3-1-80	1,000	1,000	600
		$1,728,248	$1,558,700

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

4. NOTES RECEIVABLE

American Magnetics	$ 150,000
Ann Bein	$ 11,550
Bridges for Peace	4,959
Endex, Inc.	1,287,258
The Fairson Company	177,400
Harbour Group, Inc.	100,000
Magnetic Media, Inc.	52,481
Metro Christian Academy	2,849
Oil Capitol, Ltd.	102,456
Oil Originals, Inc.	184,500
Duncan M. Payne	4,270
Plateau Electronics	1,659,500
Skyfield Productions, Inc.	3,120,520
Triangle Development Company	29,472
Venice Property Investments	17,000
Henry Weinstein	25,000
Robert W. Whitmore	25,637
	$6,954,852

5. ACCOUNTS RECEIVABLE

The HIM Company	$ 350
Optronics, Inc.	572
	$ 922

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

6. EQUITIES IN PARTNERSHIPS, JOINT VENTURES AND OIL PROPERTIES

	Cost	Market Value
Elwood Investments Company	(848,587)	(691,286)
H & A Partners, Ltd.	(9,900)	30,000
The HIM Company	(193,701)	202,793
The Kensington Company, Ltd.	(1,412,624)	400,000
The Lyndon Company	–	10,000
Renovation Associates, Ltd.	8,074	300,000
Riverside Company	(386,817)	1,144,000
Taabour Management Company	18,907	13,500
Venice Property Investment	11,000	15,000
WILMAC Company	284,274	5,000
Oil Properties (leasehold costs & tangible equipment)	39,714	55,495
	$(2,489,660)	$1,484,502

7. REAL ESTATE

Linville, N.C. – 1.1 acres	$ 16,349	$ 115,000
Lake Property – Oakwood Point	433,173	480,000
Terre Haute, Indiana – 20.20 acres	39,500	45,000
Tulsa, Okla. – 21st & Lynn Lane – 15 acres	69,012	75,000
	$ 558,034	$ 715,000

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

8. RESIDENCE AND PERSONAL PROPERTY (AT COST)

Personal residence	$1,471,620
Escrow deposit – MidAmerica Federal Savings & Loan	1,849
Automobiles	36,061
Household furniture	88,731
Antiques	48,346
Jewelry, fur and fine arts	69,076
	$1,715,683

9. NOTES PAYABLE

Citicorp (USA), Inc.	1,600,000
First National Bank & Trust Co.	885,000
PBR, Ltd.	9,248
Sunbelt Bank & Trust	300,000
Tabour Management Company	5,683
Tulsa National Bank	350,000
Union National Bank	150,000
United Bank	700,000
Utica National Bank	250,000
Village South National Bank	200,000
Western National Bank	300,000
	$4,749,931

JOHN H. WILLIAMS, JR.
TULSA, OKLAHOMA

Notes to Market Value Balance Sheet
As of December 31, 1984

10. LONG-TERM DEBT

	Current Portion	Noncurrent Portion	Total
Commercial National Bank	$ –	$268,000	$268,000
John H. Williams	62,150	–	62,150
MidAmerica Federal Savings & Loan	2,784	552,766	555,550
C.H. March, Jr.	66,000	66,000	132,000
Florence Woodcock	–	6,191	6,191
	$130,934	$892,957	$1,023,891

JOHN H. WILLIAMS, JR.

Statement of Income and Expense
For Year Ending December 31, 1983

INCOME:	
Salary	$ 48,067
Interest	471,682
Dividends	135,672
Oil & Gas	26,205
Capital Gains	1,296,355
Rental Income	22,200
Partnerships	(77,544)
Other	4,077
Total Income	$1,926,714
EXPENSES:	
Taxes	$ 135,264
Interest	1,041,484
Insurance	4,679
Business Expense	81,629
Contributions	140,290
Total Expense	$1,403,346
Net Income	$ 523,368

JOHN H. WILLIAMS, JR.

Statement of Income and Expense
For Year Ending December 31, 1984

INCOME:	
Salary	$ 31,250
Interest	199,176
Dividends	139,988
Oil & Gas	16,123
Capital Gains	2,681,356
Partnerships*	(1,390,078)
Other	47,631
Total Income	$1,725,446
EXPENSES:	
Taxes	$ 77,103
Interest	1,228,456
Miscellaneous accounting, legal and business expense	45,555
Contributions	34,943
Total Expense	$1,386,057
Net Income	$ 339,389

* Note: This loss figure includes tax losses generated within various Partnerships; the reported loss has no direct cash flow impact on JHWJr.

JOHN H. WILLIAMS, JR.

Projected Statement of Income and Expense
For Year Ending December 31, 1984

INCOME:	
Salary	$ 31,250
Interest	700,000
Dividends	140,287
Oil & Gas	14,200
Capital Gains	2,550,000
Partnerships*	(1,378,174)
Other	43,750
Total Income	$2,101,313
EXPENSES:	
Taxes, net	$ 95,000
Interest	1,167,000
Miscellaneous accounting, legal and business expense	48,900
Contributions	80,000
Total Expense	$1,390,900
Net Income	$ 710,413

* Note: This loss figure includes tax losses generated within various Partnerships; the reported loss has no direct cash flow impact on JHWJr.

/s/ JOHN H. WILLIAMS, JR.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Case No. 88-CR-52-E

UNITED STATES OF AMERICA, PLAINTIFF

vs.

JOHN H. WILLIAMS, JR., DEFENDANT

DEFENDANT'S MOTION AND BRIEF TO COMPEL DISCLOSURE OF EXCULPATORY EVIDENCE

Defendant John H. Williams, Jr., through counsel, respectfully moves the Court to direct the Government to furnish and make available for inspection and or copying as soon as possible any evidence, material, or information within the possession, custody, or control of the Government, or that by the exercise of reasonable diligence may be obtained by the Government, that is favorable to or exculpates in any way the Defendant or tends to establish a defense in whole or in part to the allegations in the indictment or that may help the Defendant avoid conviction or mitigate punishment.

The Defendant's request includes, but is not limited to, the following:

(1) Any evidence, material, or information that would tend to impeach the credibility of any person whom the Government intends to call as a witness, including but not limited to:

(a) Any record of the witness's arrest or conviction maintained or prepared by the Federal Bureau of Investigation or by any state law enforcement agency.

(b) Any facts or allegations concerning criminal or other misconduct of the witness that is not reflected on his criminal record and disclosure of any pending criminal charge or investigation against him or any business entity with which he is connected.

(c) Any material relating to the witness's mental or psychiatric history that tends to impair or reflect adversely on his reliability as a witness.

(d) Any statements made, written or recorded by or of the witness referring or relating to any of the above mentioned matters.

(e) Any information that tends to contradict the testimony that the Government anticipates will be given by any of its witnesses, including but not limited to expert opinion. *E.g., Marzeno v. Gengler,* 574 F.2d 730 (3rd Cir. 1978).

(f) Any indication by any person that the loans and extensions at issue were made to enhance the bank's position, vis-a-vis The Williams Companies (or some associated person or entity) and not because of a material misrepresentation by the Defendant.

(2) Any and all statements, testimony, memoranda, interviews, documents or summaries, relating to this case, or any portion thereof, by any person that contradict, in whole or in part, any statement (by that person or any other person) that the Government intends to use or rely on in any manner in connection with the trial of this case.

(3) All evidence that tends to minimize or negate the probative effect of the Government's evidence of Defendant's participation in the allegations set forth in the indictment.

(4) Any evidence, statement, or information in the possession of the Government describing or relating to the conduct of the Defendant which in any way refutes or is inconsistent with his participation in the alleged activities.

Brady v. Maryland, 373 U.S. 83 (1963).

(5) Any evidence, statement, or information that tends to minimize or negate any of the Government's evidence against the Defendant or which refutes or is inconsistent with any evidence, statement, information, or opinion of an expert that the Government intends to use at trial.

(6) Any evidence, statement or information tending to establish the good business prospects for the companies which are the subject of the notes receivable.

(7) Any evidence, statement or information tending to establish the good character of the Defendant.

(8) Any evidence, statement or information tending to establish the propriety of the interest income.

(9) Any evidence, statement or information tending to justify the Defendant's valuation of the notes receivable.

(10) Any evidence, statement or information tending to enhance the value of the companies which are the subject of the notes receivable.

(11) Any evidence, statement or information tending to prove that correct accounting and/or tax procedures were employed by the Defendant in disclosing his income, expenses, assets and liabilities to the alleged victim banks.

(12) Any evidence, statement or information tending to ascribe value in the notes receivable from the following persons or entities:

Ann Bein
Bridges for Peace
Earth Salt Company
Endex, Inc.
The Fairson Company
Fletcher Gregory
Metro Christiafn kAcademy
Oil Capitol, Ltd.
Oil Originals, Inc.

Duncan M. Payne
Plateau Electronics
Skyfield Productions
Venice Property
Henry Weinstein

(13) Any evidence, statement or information tending to prove the income and expenses of the Defendant for the year ending 12/31/84 were true and accurate.

(14) Any evidence, statement or information tending to prove that the Defendant did not willfully fail to provide Village South National Bank with financial information concerning Plateau Electronics.

(15) Any evidence, statement or information tending to prove that Plateau Electronics had patents and royalties worth $4 million to $7 million.

(16) Any evidence, statement or information tending to prove that the Defendant did not willfully furnish Tulsa National Bank false projections of interest income.

(17) Any evidence, statement or information tending to prove the Defendant did not falsely list interest income in the amounts alleged in the indictment in Counts 5, 6 and 7.

(18) Any evidence, statement or information tending to prove that the numbers listed by the Defendant in his financial statements were not false.

Additionally, the Defendant requests that the Court order the Government to produce for Court inspection any evidence or information about which it has had any doubt in determing the exculpatory nature. *United States v. Bocra,* 623 F.2d 281 (3rd Cir. 1980); *United States v. Gleason,* 265 F. Supp. 880 (S.D. N,Y, 1967). The Defendant further requests the Court to order the Government to reveal to the Defendants any exculpatory evidence not now in its possession discovered after the filing of this

motion. *United States v. Sheehan,* 442 F. Supp.1003, 1006-07 (D. Mass. 1977).

The Defendant's right to the requested materials is unquestioned. *Brady v. Maryland, supra.* Furthermore, to afford the defense the opportunity to use fully these materials, the Court should require their production before trial. *E.g., Grant v. Alldredge,* 498 F.2d 376 (2nd Cir. 1974); *United States v. Kaplan,* 554 F.2d 577 (3rd Cir. 1977).

Respectfully submitted,

SNEED, LANG, ADAMS,
HAMILTON & BARNETT

By /s/ James C. Lang

JAMES C. LANG
G. STEVEN STIDHAM
Sixth Floor
114 East Eighth Street
Tulsa, Oklahoma 741119
(918) 583-3145

Attorneys for Defendant
John H. Williams, Jr.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Case No. 88-CR-52-E

UNITED STATES OF AMERICA, PLAINTIFF

VS.

JOHN H. WILLIAMS, JR., DEFENDANT

ORDER

Based on the motion filed by the plaintiff in the above-styled and numbered case styled Motion to Disclose Grand Jury Transcripts to the Defendant, the Court hereby orders that the government may disclose grand jury testimony given "In the Matter of John H. Williams, Jr." The government may disclose any and all testimony and evidence presented to the Grand Jury for the Northern District of Oklahoma which would be exculpatory in nature and fall within the mandates of *Brady v. Maryland,* 373 U.S. 83 (1963).

It is further the order of the Court that the government may disclose to the defendant edited transcripts of the grand jury testimony, and may file with the Court duplicate copies of the edited grand jury transcripts along with the complete transcripts of the testimony given by the witnesses, all under seal.

It is further the order of the Court that the defendant, and his counsel, may utilize the grand jury testimony in preparation for trial, and in presentation of evidence, and may disclose the grand jury testimony as necessary to perform those functions. However, neither the defendant, nor defendant's counsel, shall reveal the testimony given before the grand jury for any other purposes.

It is so ordered by the Court on this 13th day of September, 1988.

/s/ James O. Ellison
JAMES O. ELLISON
United States District Judge

In the Supreme Court of the United States

No. 90-1972

UNITED STATES, PETITIONER

v.

JOHN H. WILLIAMS, JR.

ORDER ALLOWING CERTIORARI,
Filed October 15, 1991

The petition herein for a writ of certiorari to the United States Court of Appeals for the Tenth Circuit is granted.

October 15, 1991

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